

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Chris Shabazz Muhammad,

Plaintiff,

v.

Case No. 1:09cv547

Officer Barney, *et al.*,

Judge Michael R. Barrett

Defendants.

ORDER

This matter is before the Court on the Report and Recommendation filed by the Magistrate Judge on September 7, 2010 (Doc. 26).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. See United States v. Walters, 638 F.2d 947 (6th Cir. 1981). No objections to the Magistrate Judge's Report and Recommendation have been filed.

Having reviewed this matter de novo pursuant to 28 U.S.C. 636, this Court finds the Magistrate Judge's Report and Recommendation to be correct.

Accordingly, it is **ORDERED** that the Report and Recommendation of the Magistrate Judge is hereby **ADOPTED**. Plaintiff's Motion for Declaration for Entry of Default (Doc. 14) is **DENIED**; Ohio Attorney General's Motion to Dismiss (Doc. 19) and Motion for Judgment on the Pleadings (Doc. 2) are **GRANTED**; the complaint against Brian Payne, Troy Barney and Troy Howard is **DISMISSED** and this matter is **CLOSED**.

The Court certifies that pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of any Order adopting this Report and Recommendation would not be taken in “good faith.” See *McGore v. Wigglesworth*, 114 F.3d 601 (6th Cir. 1997)

IT IS SO ORDERED.

S/Michael R. Barrett
Michael R. Barrett
United States District Judge